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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, MARCH 24, 1955

CANADA ELECTIONS ACT

WITNESSES:

Brigadier J. W. Lawson, Judge Advocate General; Mr. Nelson J.
Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

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MINUTES OF PROCEEDINGS

House of Commons, Room 497,

Thursday, March 24, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Cardin, Carter, Cavers, Churchill, Dechene, Ellis, Fraser (*Peterborough*), Harrison, Hollingworth, Leboe, Lefrancois, MacDougall, MacKenzie, McWilliam, Meunier, Pallett, Robinson (*Bruce*), Viau, Vincent, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Brigadier J. W. Lawson, Judge Advocate General, and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence.

The Committee proceeded to the study of the Canada Elections Act, the amendments thereto suggested by the Chief Electoral Officer and other suggestions.

The Committee first considered the question concerning the exercise of the franchise by certain Canadians residing abroad.

On motion of Mr. Cavers,

Resolved,—That, in the opinion of this Committee, the issues and expenditures involved in the creation of facilities for the taking of the vote of Canadians other than those employed in the federal public service and living abroad who might otherwise be eligible as electors are of such magnitude that further extensive study should be given to it before the matter is dealt with.

And the question having been put on the said proposed motion, it was unanimously agreed to.

Brigadier J. W. Lawson, Judge Advocate General, was recalled.

The witness filed proposed amendments to the Canadian Forces Voting Regulations, contained in Schedule 3 to the Canada Elections Act, to implement the Committee's decision to extend to views of servicemen living abroad the exercise of their franchise as qualified electors under the said Regulations.

The witness was briefly questioned on the said proposed amendments and he was excused on the understanding that he would be called again as and when the Committee deals with the said proposed amendments.

The Committee resumed the section by section consideration of the Canada Elections Act.

Mr. Nelson J. Castonguay was recalled.

On Section 26

Communications from the late Mr. Robert Fair, M.P. (*Battle River*) and from the United Automobile Aircraft and Agricultural Employment Workers of America, Local 439, in respect to the said Section, were brought to the attention of the Committee.

Mr. Zaplitny moved that the Committee recommend the following proposed amendment:

"That paragraph (4) of Section 26 be amended by inserting after the word "shall" in the first line thereof, the following words: "upon the recommendation

of the candidate of the party, other than the party then in office, who received the largest number of votes in the election immediately preceding such appointment, or, in the absence of the said candidate, a representative of the party represented by the said candidate."

Debate having taken place on the proposed amendment and the question having been put thereon it was, on a show of hands, resolved in the negative on the following division: Yeas, 5; Nays, 15.

Sections 27, 28, 29 and 30 were studied and it was agreed that they remain unchanged.

On Section 31

On motion of Mr. Viau,

Resolved,—That the Committee recommend the following amendment:

Subsection (6) of section 31 of the said Act is repealed and the following substituted therefor:

(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish a central polling place *where* the polling stations of all or any of the polling divisions of any locality may be centralized, *but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and it is desirable in the opinion of the Chief Electoral Officer to follow that practice in an election under this Act*, and upon the establishment of a central polling place *under this subsection* all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

That part of the letter from Mr. Egan Chambers of Montreal, dealing with the said Section, was read to the Committee.

Mr. Castonguay stated that the adoption of the latter amendment necessitated a consequential amendment to Section 11 of the Act.

Whereupon on motion of Mr. Bourque,

Resolved,—That the Committee recommend the following amendment:

Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

11. (1) The polling divisions shall be those establish for the last general election, unless the returning officer considers that a revision of the boundaries thereof is necessary and, in such case, he shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6) or (7) of section 31; in the event of such revision being necessary, it is the duty of the returning officer, when instructed by the Chief Electoral Officer, and subject to the foregoing provisions, to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately three hundred and fifty electors.

On Section 32

The said section was discussed at length, whereafter, it was agreed that, while its mode of application might, in certain respects, be improved, the said section remain unchanged.

Section 33. It was agreed that the said section remain unchanged.

Mr. Robinson (*Bruce*) gave notice that he would, as Section 45 of the Act is reached, move the following amendment:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll.

Therefore this Committee endorses the principle of voting by proxy for mariners and other persons who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

It being 12.30 o'clock p.m., the Committee adjourned to sit again at the call of the Chair.

Antoine Chassé,
Clerk of the Committee.

MINUTES OF EVIDENCE

MARCH 24, 1955.

10.30

The CHAIRMAN: We have a quorum, so we shall proceed. At the last sitting, as the members know, the committee dealt with two of the groups which were included in the Secretary of State's suggestions to the committee. There is a third group, and I believe we should deal with it this morning. It should only take a very few minutes. The group comprises Canadians residing abroad, not employed in the public service.

Mr. CAVERS: Mr. Chairman, I move that, in the opinion of this committee, the issues and expenditures involved in the creating of facilities for the taking of the vote of Canadians other than those employed in the federal public service and living abroad who might otherwise be eligible as electors are of such magnitude that further study should be given to it before the matter is dealt with.

The CHAIRMAN: All in favour, signify the same. To the contrary? None. Carried unanimously.

The CHAIRMAN: Well, gentlemen, you have before you draft amendments to the Canadian forces voting regulations contained in Schedule Three to the Canada Elections Act, suggested by the Department of National Defence, and we have here this morning, Brigadier Lawson, the Judge Advocate General. I am going to ask Brigadier Lawson to make some remarks with regard to these suggested amendments.

Brigadier W. J. Lawson, Judge Advocate General, Department of National Defence, called:

The WITNESS: Mr. Chairman, the Department of National Defence is proposing nineteen clauses containing amendments to the Canadian Forces Voting Regulations which are Schedule Three to the Canada Elections Act. The proposed clauses with explanatory notes have been distributed to the committee in mimeographed form. These clauses have been approved as to form and legality by the Department of Justice. They have been discussed with the chief electoral officer who foresees no serious problems in their administration.

I understand that the chief electoral officer will propose a number of amendments designed to facilitate the administration of the Canadian Forces Voting Regulations. In cases where the chief electoral officer has proposed amendments to the same paragraphs as those to which the Department of National Defence is proposing amendments, the amendments proposed by the chief electoral officer have, with his concurrence, been included in the amendments proposed by the Department of National Defence.

The principal proposed amendments are those designed to implement the decision of the committee to permit the wives of servicemen living abroad with their husbands to vote under the regulations. If the amendments as drafted are adopted by the committee all wives of servicemen living abroad with their husbands, who are Canadian citizens or other British subjects, and are of the full age of twenty-one years will be entitled to vote under the regulations. The wife's vote will be allocated to the constituency in which the place of ordinary residence named by the husband in his statement of ordinary residence is situated.

Of the nineteen proposed clauses fifteen relate to the taking of the votes of wives of servicemen. Most of the amendments made by them are of a very minor nature. The remaining four clauses will effect five other amendments to the regulations.

The first amendment would prohibit servicemen from acting as representatives of political groups, i.e., as scrutineers, at the taking of the votes at service polling places. Under paragraph 32 of the regulations any person qualified to vote as a civilian elector at a general election may act as a scrutineer at the taking of service votes at service voting places. This paragraph as it now stands would make most servicemen eligible to act as scrutineers. This is in conflict with what I suggest members of the committee will agree is a very desirable provision of the Queen's Regulations for each of the services which prohibits members of the regular forces from engaging in political activities. The proposed amendment would bring the regulations into line with the Queen's Regulations by excluding servicemen from the category of persons who may act as scrutineers. The proposed amendment will, however, extend the regulations to permit any Canadian citizen whether or not he may happen to be on a voters' list and so entitled to vote as a civilian elector to act as a scrutineer at the taking of service votes. This should be particularly helpful at service polls outside Canada where normally it would be very difficult to obtain the services of a person who is entitled to vote in Canada to act as a scrutineer.

The second proposed amendment would require that a person appointed to represent a political group at the taking of the vote at a service poll produce an authorization signed by an official candidate of the group which he represents. Paragraph 32 of the regulations now provides that to identify himself as a representative of a political group to the deputy returning officer at a poll all that a person is required to do is to produce a declaration signed by himself. The proposed amendment would provide that the representative must produce to the deputy returning officer a certificate signed by one of the candidates of his political group before being allowed to act as a scrutineer for that group. At present, all such a person need produce is a certificate signed by himself that he is a representative of the political group concerned.

The third proposed amendment would make it clear that a Canadian forces elector who is undergoing punishment in a service or civilian penal institution is disqualified from voting. That is that he is subject to the same disqualification as is a civilian voter under the Canada Elections Act. The Department of Justice has ruled that the disqualification of persons undergoing terms of incarceration contained in the Act itself also applies to persons voting under the regulations but it is considered desirable that this important disqualification should be set out in the regulations so that there can be no misunderstanding on the part of the persons charged with their administration.

The fourth proposed amendment would permit the deputy returning officer who is taking the service vote at a service hospital to go from room to room to take the votes of bedridden patients.

The fifth proposed amendment would make it clear that before a serviceman or his wife is entitled to vote the serviceman must have completed the statement of ordinary residence required by the regulations. It has always been the intention of the other parliamentary committees that have dealt with these regulations and also the intention of the draftsmen of the regulations that in order to obviate the possibility of throwing large blocks of service votes into particular constituencies a serviceman must have completed a statement of ordinary residence in order to be permitted to vote. However, the Department of Justice has ruled that as the regulations stand at present such is not the case. The effect of the proposed amendment would be that if

at the commencement of service voting a serviceman has not completed a statement of ordinary residence he would, before being allowed to vote, be required to complete such statement giving as his place of ordinary residence the place where he was ordinarily residing at the time of his enrolment in the Canadian forces.

Those are all the proposed amendments.

Mr. CAVERS: Mr. Chairman, with regard to the last proposed amendment—

The CHAIRMAN: Pardon me, Mr. Cavers, but I think it would be better if we examined the suggested amendments which are before us now before we start the question period. I think it would be better if members of the committee were to study the suggested amendments which they have in front of them, and then at some later date we shall be able to have a question period on it with Brigadier Lawson and the chief electoral officer here to deal with any questions we may have to ask. Is that agreed?

Agreed.

The CHAIRMAN: Now, Brigadier Lawson, I wish to thank you for having come here this morning. The committee shall study your suggested amendments and we shall call you in when we are ready to proceed with them. Thank you very much. Now we shall continue where we left the other day. We were at section 26, page 50 in the Act.

Mr. CARTER: Mr. Chairman, may I ask permission to refer to section 21. I had a point there which I wanted to make.

The CHAIRMAN: We stood that section over. Mr. Zaplitny has in mind an amendment to section 26. Until he arrives we can let that stand, if that is agreeable.

Agreed.

The CHAIRMAN: Section 26 stands.

Section 27, no change?

No change.

The CHAIRMAN: Section 28. We have received two letters which have a bearing on section 28. Mr. Castonguay will comment on them.

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: One letter is from the late Mr. Robert Fair, member of parliament for Battle River, and this is found at page 19 of the committee's printed report of proceedings. It has to do with the suggestion that the political affiliations of candidates should be placed opposite their names on the ballot paper. Item 11, on the same page, has to do with the same matter. The letter is from the United Automobile Aircraft and Agricultural employment workers of America, local 439, and they also, in a resolution, suggest that the political affiliations of candidates should be placed opposite the candidate's name on the ballot paper.

The CHAIRMAN: Section 28, no change?

Mr. FRASER (*Peterborough*): I would like to ask a question about ballot papers. Who, lawfully, can print a ballot paper?

The WITNESS: Section 29 of the Act contains penalties which provide means of laying charges against persons who are not entitled to print them. The only person who is lawfully entitled to print ballot papers is the returning officer of the electoral district.

Mr. FRASER (*Peterborough*): Perhaps I did not word my question properly. Who, then, can he ask to print them? Can he ask a candidate to print the ballot papers?

The WITNESS: That is left to his discretion completely. The act places the responsibility on him and it is left to his discretion where he has them printed.

Mr. FRASER (*Peterborough*): He did in my case. My opponent printed the ballot papers.

Section 28 remains unchanged.

The CHAIRMAN: We will revert to section 26. Mr. Zaplitny, have you got your amendment?

Mr. ZAPLITNY: Yes. I have two extra copies.

The CHAIRMAN: Order, please.

Mr. ZAPLITNY: Mr. Chairman I will not go into any long-winded explanation of this, because we have discussed it in general principle already. I shall just move the amendment, and then try to explain where I think it may be necessary. The amendment I propose is:

That paragraph (4) of section 26 be amended by inserting after the word 'shall' in the first line thereof, the following words: 'upon the recommendation of the candidate of the party, other than the party then in power, who received the largest number of votes in the election immediately preceding such appointment, or, in the absence of the said candidate, a representative of the party represented by the said candidate.'

What that means is simply this. This is an attempt to provide that there should be one official in each polling district who would be appointed on the recommendation of a candidate or a party representative of that candidate other than the party in power. The purpose of that is to provide an assurance to all candidates and parties that there will be the greatest care taken and the greatest fairness shown. Also this would make sure that every voter would feel he was being protected from the point of view of having representatives from two opposing political lines.

I realize that it would be more desirable perhaps if all parties could have some representation but due to the fact that that is not possible I thought this was second best, in that the government in power is represented in a sense from the point of view that the returning officer in a constituency is appointed by the Governor in Council and all appointments which he makes stem from that appointment, whereas parties or candidates other than the party in power have no direct representation of any kind in the polls. I want to say quite frankly that if the present situation were that the returning officers in the various constituencies were appointed by the chief electoral officer rather than the Governor in Council I would feel that there would be adequate protection and nonpartisanship as matters stand, but the situation is that the chief electoral officer does not appoint the returning officer. He is appointed by the Governor in Council though he is of course subject to the direction of the chief electoral officer. I would like to make it clear that this proposed amendment does not stem from any idea of partisanship or suspicion that anyone is trying to "put anything over" on anyone at the polls. My experience has been that vigilance has, by and large, been exercised, but it has also been my experience, and that of others, that there are occasions on which there has been undue influence exercised in the polls and sometimes, even, very serious breaches of the Act have been found during election day.

We will be told, of course, that the Act must be observed, and that anyone who violates the Act is subject to the penalties which are provided under it.

This is very true and also very useless, so far as election day is concerned, because when anything which is done on that day which interferes with, and which may result in an unfair result, then it is too late after the election to put in complaints and have prosecutions and so on, because it does no good.

There are many violations of the Act which are overlooked for that reason. Once the election is over, people feel "oh, let us all be good sports, and make no noise or complaint!"

This amendment is designed to make it sure that the provisions of the Act are carried out in letter as well as in spirit and to the greatest extent possible in order to provide fairness.

Mr. HARRISON: Mr. Chairman, I was interested in what Mr. Zaplitny said. I think it would carry more weight with me, however, if the party in power in Saskatchewan would adopt the same principles. I think that after they do that, there would be plenty of time for us to consider this amendment.

The CHAIRMAN: This committee cannot deal with the Saskatchewan government.

Mr. CHURCHILL: The remarks just made were interesting, Mr. Chairman, but irrelevant.

The CHAIRMAN: Agreed.

Mr. CHURCHILL: We are dealing with federal elections and I would like to support the proposal which has been made by Mr. Zaplitny. We discussed it at our third meeting on the 15th of March to some extent, and we put forward arguments on that occasion.

I think those arguments are valid, and we support them by acknowledging that our elections are, by and large, conducted satisfactorily. I do not think there have been any outstanding complaints on the part of the Canadian people in regard to fairness in the conduct of our elections. That is to the credit of the Canadian people as a whole.

Nevertheless this suggestion is in line with the advancement in the conduct of elections; it is not infringing upon the right of the party in power. It is simply suggesting that when a dominion election is held, every endeavour is made to get as fair a return as possible from the decision of the people, to see to it that every man who is entitled to vote shall have that opportunity, that the voting shall be conducted under fair and proper regulations, and that no special advantage shall attach to one party or the other in the course of the election.

That being the case, then it seems reasonable that just as is done with enumerators, so we might do with poll clerks, and carry on with that principle and permit the other parties—certainly the runner up among the parties—to have something to do with regard to the staffing of the polls and the polling places.

As we pointed out at that third meeting, with the returning officer being appointed by the Governor-in-Council, and with the deputy returning officer being appointed in turn, then the party in power is, in effect, in control of the machinery of the election and is responsible for the proper carrying out of that election.

But when you come down to the poll clerks, by having the poll clerks appointed or nominated by a party which is not in power, you are not in any way infringing upon the rights of the party that has been in office. You are simply acknowledging the fact that it is a fair method of dealing with an election in that way, with all participating; and that at the moment of the election, other than there being a continuation of the caretaker function of the cabinet, there actually is no party which is really in office.

So it becomes thrown open to the people to decide what shall be done. It has been recognized as satisfactory to have the enumerators drawn from the

two parties. Is it not also a satisfactory suggestion to have the polling divisions staffed by people drawn from the two parties?

It would indicate that there is fair play actually taking place, and that the aim is to give both sides in the contest the opportunity to have some supervision over the actual voting procedure.

For these reasons, and for others which might be advanced, I support the resolution.

Mr. MACDOUGALL: I am interested in this discussion. Unfortunately I have not got a copy of the suggested amendment which was moved by Mr. Zaplitny. However, I have noted some of the points which have been made by Mr. Churchill. I do not know. Maybe my riding is different to a lot of other ridings; but it certainly is not a riding that has been solidly for any political party.

Ever since its formation in 1924 there have been different representatives from the various parties representing that riding here in Ottawa. In 1949, in the gathering of enumerators for that election—it was a Conservative who had been their member of the House of Commons before the election—naturally at least 50 per cent of the enumerators and election officials at the polls were of the Conservative persuasion. That worked very well in 1949. And in that same election the Liberal party was supposed to have 50 per cent.

Unfortunately, in many ways from a political standpoint, but fortunate economically, there was a great demand upon the services of men and women for employment with the result that both the Conservative party and the Liberal party on that occasion willingly and gladly went to the representatives of the other parties in order to man the army of enumerators that was required, and also to man the necessary polling subdivisions for the smooth running of the election.

Then came the 1953 election. What happened there? I admit it was regrettable in many ways. We appointed our enumerators on a basis of fifty-fifty, with the runner up party in 1949, which was the Conservative party.

The Conservatives at that time, in 1953, could not find ten per cent of the required number of men and women to man the polls of that riding. So they came to me and asked if I would suggest names for the necessary enumeration, and for handling the results of the individual polls.

I said I would “be very glad to”, and I also said that “we, the Liberal party did not have sufficient men and women to do this”. So I offered a suggestion which was accepted, that a large number of representatives of the Social Credit party and of the C.C.F. party be engaged to man the polls on election day in 1953.

If the idea behind this amendment is to suggest that in such instances you have abuses, I want to say to my friend from Dauphin, that no matter how rigid or how tight you make the voting regulations—with human nature such as it is—there is going to be somebody who is going to come in and possibly make a mess of what has normally in the past been a fine reputation as far as the men and women are concerned who since 1867 have been manning the polls in the general elections throughout Canada.

Therefore, I personally do not feel that this amendment is necessary. Possibly there are some ridings where political tension and political bitterness may run at a very very high rate. But in my opinion those ridings are in a tiny minority. They do not resemble anything like a true cross picture of the whole electoral set up in the Dominion of Canada. I think that by and large our present system is working satisfactorily. I do not think there have been abuses. I know there certainly have not been any abuses in my own riding. And I know perfectly well that when election day rolls around, there are going to be many workers not only from the Liberal party but from the

Conservative party, the Social Credit party and the C.C.F. who will be assuming and carrying out the onerous responsibility of bringing about a fair presentation of the electors' views at the various polls in the ridings.

Therefore, I cannot view with too much alarm the necessity for this amendment. Although I would like to go along with my friend from Dauphin, nevertheless I do feel that under the circumstances—certainly from my own experience—that the amendment is not necessary, and unfortunately I am going to have to oppose it.

Mr. VINCENT: Mr. Chairman, with respect to Mr. Churchill's remarks, he stated that at election time there was no party in power. I think we should maintain the view that there is no party in power at election time and that the returning officers are purely and simply civil servants. They are there because of the Act, and they should be maintained according to the Act as civil servants and they should not be made to represent either the Liberal party, the Conservative party, the C.C.F. party or the Social Credit party. As far as party representation at the polls is concerned, I think that every party is entitled to have its representatives there. Each candidate is entitled to have his own representatives at the poll. Consequently I think we should leave it to our civil servants during the election. If a party wants to be protected against any abuses by civil servants, then it is up to that party to appoint its own representatives, and I think we should maintain that status.

Mr. CARTER: Mr. Chairman, I want to support what the last speaker has just said. I do not see any need whatsoever for this amendment. The proposer of it himself admitted that he did not see any great need for it. Let us not clutter up the record with things which are not necessary. I am stating my interpretation of my friend's remarks.

I think a case has been made out that poll clerks shall be appointed by the deputy returning officer. And in my own particular case, with two elections which I have had I have had no reason to think that the returning officer was a supporter of the government in any way. I certainly did not make any recommendations to him as to who he should appoint as poll clerks.

If we select as returning officers those who know the district and who know the people in the district, then they can pick out the best educated people and those who are in the best position to conduct the polls accurately and to follow the instructions accurately. I think that is the greatest thing to be desired. I would hesitate to think what might happen if poll clerks have to be appointed upon the recommendation of someone who has never been in the polling district and who knows nobody whatever in the place where the poll is to be held. That would very often be the situation in my own riding.

There are 260 odd settlements in my riding; and to cover these by boat in a month is impossible. I could not do it myself. I rush as much as I can, but I have to leave out about 40 places. I am certain that my opponent would not be able to visit half of the places. So any information which she would be able to give with respect to persons who are best suited to act as polling clerks would be purely second hand.

I think the ideal situation is to have them selected by the returning officer, who can go into every place. It seems to me that he would be the person who was best qualified. It would be up to him to do the job according to his conscience.

Mr. ELLIS: Mr. MacDougall mentioned something about the inability of some opposition parties to supply sufficient personnel on election day. I suggest that the purpose of the amendment would be to enable the chief opposition party, the runner up, to nominate a slate of poll clerks for the constituency. And should it happen that the chief opposition party is unable to supply sufficient nominees, it would be the duty of the returning officer to round them

out. That is the situation which obtains with respect to enumerators. When the opposition is unable to provide or to suggest enumerators for a particular poll, the responsibility then falls upon the returning officer in the constituency to see to it that the work is done and that the polls are manned on election day. I do not think that is any obstacle. I suggest that the runner up party should have the right to nominate poll clerks. And if under the circumstances, as Mr. MacDougall has suggested, they are unable to round out a full slate, then the returning officer would have the power in that event to make the necessary appointments.

There was some reference made to the fact or to the suggestion that the nominees of the leading opposition party might not be as efficient, and that if appointments are made by the leading opposition party, you might not get as efficient a type of poll clerk that you would with the nominees of the government party.

Mr. FRASER (*Peterborough*): It might be better.

Mr. ELLIS: The suggestion was made by Mr. MacDougall. He referred to the fact that it would provide more efficiency and so on; and I gathered that he was trying to convey the impression that under the present set-up you are always going to get the most efficient type of person in the polls; but not so if the leading opposition groups were to nominate them.

Mr. MACDOUGALL: I did not say that at all. I did not suggest any such thing.

Mr. ELLIS: Very well then, I withdraw the inference.

The CHAIRMAN: Very well.

Mr. MACDOUGALL: What I did say was this: that the responsibility for efficiency is not all with the government candidates, nor with the leading candidate who runs second. As far as I am concerned, they can come from any or all of the different parties, and I have so recommended. There is no accusation with respect to my remarks.

The CHAIRMAN: Mr. Ellis has withdrawn that.

Mr. ELLIS: I do not think that it was an accusation. I was just commenting on some of the remarks that I heard earlier in the discussion. As far as appointments of poll clerks are concerned, if you have the recommendations made by the runner-up party, I think you will get a good type of person in the job of poll clerk.

Some reference was made to the fact that there is nothing political about the appointments of D.R.O.s and that we do not want to make it so by having the poll clerks appointed on the recommendation of the runner-up party. I know that in my own case a number of D.R.O.s asked me, "Are you going to have a scrutineer; I am particularly anxious that you have a good scrutineer for the poll." There have been occasions in the past, particularly in close elections, when there has been a certain amount of rancour after the elections. Human nature being what it is, particularly in very close elections, there is always a tendency for some people to think that there has been some skulduggery at the polls or something of that nature. To protect himself, he wants a good scrutineer at the poll. Good D.R.O.s, no matter how conscientious they might be, will be protected. I feel, by having the poll clerk appointed by the leading opposition group so that there will be absolutely no chance of anybody suggesting on the day after the elections that the Act was not complied with 100 per cent. I think that the appointment of the poll clerk by the leading opposition party would be a protection to the D.R.O., and in my opinion I think it would be welcomed by the D.R.O. The only D.R.O. who would not welcome it would be one who was not too conscientious, and I do not suggest

that there are many of those. But I suggest that we can protect all the D.R.O.s by making it a matter of policy by having—

Mr. MACDOUGALL: Policy or politics?

Mr. ELLIS: A matter of policy, to have them appointed by the leading opposition party. I should like to remind hon. members that the D.R.O. is in complete charge of the poll. By putting in the poll clerk, you are not in any way challenging D.R.O.'s authority at all. I think that the fact that the poll clerk is appointed by the leading opposition party is going to make for better harmony and better feeling among the leading groups in the election.

I go back to the statement made by the hon. member for Dauphin when he reminded members of the committee that at the present time the returning officers in the constituencies of Canada are not appointed by the Chief Electoral Officer; they are appointed by the government. If the appointments were made by the Chief Electoral Officer, then I think the suggestion would be a little different, but under the present set-up where the returning officer is being appointed by the government in power, the least we can do, in order to make for fairness all round, would be to pass this amendment and allow the runner-up party to nominate or suggest names of poll clerks.

The CHAIRMAN: Are you ready for the question?

Mr. ZAPLITNY: I am not going to try to argue the point any further, as I think the members know now what is involved, but a very interesting remark was made, I believe, by Mr. Vincent. He stated that the returning officers are civil servants. If that were the case, and they were appointed by the Civil Service Commission, then it would be an entirely different situation, but certainly we cannot argue seriously that they are civil servants, when they are appointed by the governor-in-council.

Mr. ZAPLITNY: I think that if the committee accepts that view and recommends, before we have finished our deliberations, that the returning officers be appointed by the Civil Service—

Mr. MACDOUGALL: I think that the hon. member is a little hazy on that. Returning officers are temporary civil servants. Would the Chief Electoral Officer tell us? I think that they are temporary civil servants; enumerators, too, when they are doing to work of enumeration.

The CHAIRMAN: Are you ready for the question?

Some hon. MEMBERS: Question.

The CHAIRMAN: All in favour of Mr. Zaplitny's amendment, raise your hands: 5: Against? 15.

I declare the amendment lost.

Section 29, page 53.

No change?

Section 30. "Supply of Election Materials to Deputy Returning Officer".

Mr. FRASER (*Peterborough*): In regard to section 30, "Supply of election materials to deputy returning officer," I feel that Deputy Returning Officers should have more instruction than they have at the present time, because some of them fall down on the job. They allow literature into their polling booths which should not be allowed there, and in many cases praise has been given to the poll clerks, as it is the poll clerks who have checked up on the returning officers and the scrutineers also. I remember that in one election, the ballot boxes were returned and counted and when they were opened after a week we found, I think, in four or five of the boxes, big red signs, "Vote Liberal"—

Mr. VINCENT: You do not know whether they were put there by the opposition representative just to fool the people. I have seen that happen.

Mr. FRASER (*Peterborough*): I do not like to see the people fooled.

Mr. VINCENT: Who told you who put that sign in the box? It might be an opposition party representative who put it there just to create some difficulty.

Mr. FRASER (*Peterborough*): What I am getting at is this: the Deputy Returning Officer has his instructions, and he should not allow anything like that to go into the box.

Mr. VINCENT: He would not see it.

Mr. FRASER (*Peterborough*): Those ballots and those boxes are his responsibility. The box must have been out of the Deputy Returning Officer's sight to allow something like that to get in.

Mr. MACDOUGALL: Speaking on that very subject which Mr. Fraser has brought up, I should like to say this. I do not wish by any means to hold up Vancouver as a model—far from it—but I think that possibly there is something in what Mr. Fraser said. Of course, the next thing to do is to prove who is the culprit. But over and above that, the complaint of Mr. Fraser is with respect to the laxity of the returning officer and whether he knows the fundamentals of his job or not. Now, it is useless having a returning officer who is extremely efficient, unless he imparts his knowledge to his deputy. That is the vital phase, and I think that possibly there are many instances where that is not done, but in my own riding I know that for a long period of years—and we have had different returning officers, the present returning officer only having served for two elections—the returning officer has held night classes for four days instructing the deputies as to how they should conduct that ballot. Not only does he hold night classes to bring about more efficiency as far as the deputies are concerned, but he has the deputies and himself hold classes for comment and criticism among his enumerators when they have completed their day's work. That is not at the completion of the whole enumeration, but when they have completed the day's work of enumeration. I think that every member of this committee will agree with me in this, that there are many instances in enumeration where the enumerator is not actually fully qualified to do a good job. I know, and I am sure the rest of you do, too, that in many instances when an election comes up, you might try to get young university students, for instance, as enumerators. On the west coast a great many of the people of that category who might be enumerators are out on boats during the summer and are unable to act as such, and some are in the forests. Consequently, you lose possibly the brightest class of enumerators that you can have. What is the alternative? The only alternative that is left is to get those who can spare the time. I say that every enumerator earns every nickel that he makes. When they have to run up and down stairs for eight or ten hours a day, I want to tell you that the enumerator at the end of the day is not in very good shape. It would seem to me, along the lines suggested by my good friend from Peterborough, that the returning officers in the ridings can do something over and above what already has been done in giving better instructions to the returning officers and the poll clerks and the enumerators, so that on election day you will have a much more efficient machine handling procedure and so on. I do not use that word "machine" in a political sense.

Mr. FRASER (*Peterborough*): In regard to what Mr. MacDougall said, I should like to say this. The returning officer in Peterborough riding is very efficient; he is a good man and he has done a good job. I have seen the same thing done in other ridings. But I think a little more instruction should be given to these deputies and also to the poll clerks than is given at the present time.

Mr. CAVERS: I concur with what Dr. MacDougall has said in regard to evening classes. I served as a returning officer in a provincial election in 1937, and we conducted classes for all the enumerators. I had them all together at various times and gave them instructions as to what they should do. Following that, we held approximately ten or fifteen meetings in various parts of the county, calling together all the deputy returning officers and poll clerks, and we went through the whole procedure as to what would happen when the poll opened in the morning, how they would fill in the various documents, what would happen when the poll opened, how the ballots should be folded, how they should be deposited in the box, the qualifications of voters, what should be done in the case of impersonation, and so on. We took them through the whole procedure. So far as I know, there were no complaints as the result of that election, and I have not heard of any complaints since. Many people are not familiar with the forms. The instructions are difficult for them to read, and they do not know how they are going to carry out a poll. If they have gone through the various steps in a class, they can discuss it with one another, and if there are any points on which they are not too clear, the returning officer can explain the Act to them and give them instruction. That is far better.

The WITNESS: To substantiate that I am a firm believer in personal instruction, I travelled from January, 1953, to May, 1953, giving courses to returning officers. I gave a three day course to all returning officers in each province. I still try to instil into returning officers to give personal instructions to their election officers wherever possible. Those are two big words "wherever possible". I can appreciate that a member of an urban constituency may see no great problems for the returning officer in giving courses, but we have constituencies which range in area from 500,000 square miles to half a square mile. In a rural constituency it is very difficult for the returning officer to give personal instruction to his enumerators, because the election takes place on an unknown date, at a period unknown to everybody. The whole organization has to function and be completed in sixty days. Members may not realize this, but it takes the combined efforts and the co-operation of at least 200,000 persons to put across a general election in this country in a period of sixty days. Now, if we had a fixed date for an election, we could organize and prepare for the election in a manner somewhat like the census. Personal instructions could be given to the returning officer right down to the poll clerk. However, under our present system I believe that these instructions can only be given after the writ is issued ordering an election. We cannot anticipate an election date. We, for example, might give instructions anticipating an election in the fall, but there might not be an election until a year after. Those people to whom we would have given instructions may not be available to act as election officers in a year's time. So we are restricted to giving personal instructions only after the writ is issued.

Now, the problem is considerably more difficult in a wholly rural constituency, and I know that members realize that. In a wholly urban constituency there are also problems as far as giving personal instruction to enumerators. Such instructions can only be given if the returning officer has on time his list of enumerators from the candidates who are entitled to nominate them. Now, in my tour across the country before the 1953 general election, the general complaint of returning officers was that such list was usually given to them on the Thursday or Friday before the enumeration commenced. They would get a list of 150 enumerators from one candidate, and 150 from the other. He would screen that list and would find that 30 per cent of the persons on the list were not qualified electors of the constituency. He would also contact the rest of the persons on the lists and find that another 30 per cent were not in a posi-

tion, for some reason or another, to act. So, by giving lists of enumerators to returning officers on the said Thursday insufficient time is given to the returning officer to give personal instruction to enumerators since he has to contact these enumerators, appoint them, give them their supplies and have them on duty on the following Monday. He cannot be expected to give personal instructions in those three days. I do not think that it would be reasonable to expect that from the returning officer. In so far as deputy returning officers are concerned, that same situation does not arise because there is sufficient time to give personal instructions in urban constituencies. In my opinion, there is no reason why the returning officer should not have selected his deputy returning officers by at least a week before polling day. In urban areas we encourage that classes of instructions be given to deputy returning officers. Members appreciate that the deputy returning officers according to the act appoint their own poll clerks. The personal instructions given, wherever possible, by the returning officer in wholly urban areas has brought an improvement in the conduct of the polls. But again there are difficulties in rural areas which in most cases make it impossible for the returning officers to give such instruction. A returning officer could not possibly cover large or even semi-large rural constituencies and give personal instruction to his election officers.

By saying that, I am not taking a negative approach to the matter. Where it can be done, we encourage returning officers to hold classes and give such personal instructions. I have made a personal test of this. Before I became Chief Electoral Officer, my predecessor asked me to conduct a personal instruction course in one constituency at a by-election. After the enumerators were appointed, I took half the enumerators and I spent an hour with each enumerator going over the forms and instructions. The enumerator has to deal with about eight forms. I stayed there to see the results of the work of the fifty enumerators to whom I had given personal instructions. There had been a marked improvement, but not so marked that it made a great deal of difference between those and the other fifty that I did not see. I think that we must, in the final analysis, rely a great deal on our printed instructions to election officers. They are designed in such a way as to be understood by persons with the least education. If the returning officer or the candidates who are entitled to appoint enumerators are able to nominate or appoint competent and conscientious persons who will study their instructions, then I say that their work will be very satisfactory. But where we have difficulty is where the deputy returning officers or enumerators do not even read the instructions or forms; the only form in which they appear to show any interest is the account form. Those are in a great minority. Generally speaking I will say that with our method of holding elections where we do not know the date and we have no target date to aim at, we are forced to rely on printed instructions. We have done everything that we can to improve the conduct of the poll. We supply sketches showing the manner of handling ballot papers. We supply a sketch for rejected ballots, showing what ballots should be accepted and what ballot papers should not be accepted. We also try to rely on graphics for instructions. I concur with the view of Mr. Fraser and Mr. Cavers that personal instruction is desirable, but it is not always practicable.

Mr. FRASER (*Peterborough*): I would like to ask one question: would it not help if you had for each deputy returning officer, say, a piece of paper some 12 inches by 8 inches in size, and then printed on it the words "no political literature is allowed in the poll". These could then be posted out so as to bar political literature from the poll altogether.

The WITNESS: I do not think we have had many complaints about that type of practice. Wherever it has been brought to my attention, the literature has been removed from the poll. Without wishing to get into any controversial

field, I might mention that these practices have been pretty evenly spit among all political parties. As far as literature is concerned, there are blotters which are brought into the poll and dropped around, but I would not say, judging from the complaints I have had from returning officers or candidates that these were very isolated cases. Of course I would not know what happens in every poll in Canada, but usually when there are serious complaints candidates contact me. As to the suggestion about sending out another printed form, I would point out that we already have about 30 forms for deputy returning officers to handle, and the more forms we give them the more confusion will arise in the poll. Actually the scrutineers attend to that, and whenever these difficulties have arisen, the scrutineers protest, and the political literature is removed from the poll.

Mr. FRASER (*Peterborough*): When I brought this matter up, I mentioned one case where the cards were in the polling office. I also remember a case where I walked into a poll at a house—there were two polls in the house—and right through, from the first poll to the second poll, the whole floor was covered with newspapers with a full page picture of a certain candidate turned up, even in front of the deputy returning officer's booth. Of course, when he was spoken to, he cleaned all those newspapers out. But they do not know or realize that this stuff is not allowed to be in the polls, and I think it should be brought to their attention that no political literature is allowed at the poll. It works for all parties, Liberals, Conservatives, C.C.F. and Social Credit.

The WITNESS: I might be able to correct that by making it clear in my instructions to deputy returning officers that political pamphlets and literature are not allowed in the poll, without introducing an amendment to that effect.

Mr. FRASER (*Peterborough*): That will be fine.

The CHAIRMAN: Section 30, no change?

No change.

The CHAIRMAN: Section 31.

The WITNESS: I was asked to redraft the amendment appearing on page 8 of my draft bill, and I have re-drafted it along the lines suggested by Mr. Nowlan and Mr. Cavers, and I trust this will now meet with the approval of the committee.

The CHAIRMAN: You have the wording there.

The WITNESS:

Section 31

(6) The returning officer may, with the prior permission, and shall upon the direction of the chief electoral officer, establish a central polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and it is desirable in the opinion of the chief electoral officer to follow that practice in an election under this Act, and upon the establishment of a central polling place under this subsection all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Mr. VIAU: What is meant by a central polling place?

The WITNESS: A central polling place is a building in which polling stations for maybe four or five polling divisions have been established therein.

The CHAIRMAN: We have a letter with regard to section 31, on page 16 of the evidence, from Mr. Egan Chambers of Montreal.

Every urban polling station should be located in a place equipped with a telephone unless the returning officer can show that this is impossible.

I think that is just a question of what is available. Mr. Viau proposes, seconded by Mr. Vincent, that the amendment to section 31 carry.

Carried.

The CHAIRMAN: Now we revert to clause 2 of the admendments suggested by the Chief Electoral officer.

The WITNESS: This is a consequential amendment to the amendment just adopted to section 31 of the Act. The only change is to add the words "subsection 7" in section 11 (1).

The CHAIRMAN: Mr. Bourque moves that this amendment to subsection (1) of section 11 of the Act carry.

Amendment carried.

The CHAIRMAN: Section 32: "The official list of electors to be used at the poll".

Mr. VINCENT: Supposing a returning officer decides that it is not necessary to review the boundaries of the polling division. What happens then?

The WITNESS: I instruct the returning officer that after making his preliminary survey of the polling divisions, he has to consult local organizations in the constituency and draw to their attention the changes he proposes to make and to entertain any suggestions they may wish to make. I can only presume that when the revised polling boundaries are returned to me that has been done, but I know of some electoral districts where the local political organizations and the returning officer recommended that no change be made in the polling division arrangements which existed at the time of the previous election. If that recommendation is made and if there is agreement among all persons concerned, well, the polling division arrangements which were made at the time of the previous election would stand. I propose to order the revision of polling division arrangements in June 1956, to give rural returning officials an opportunity to travel around and revise their polling division arrangements, in anticipation, maybe rightly or wrongly, of an election in 1957.

Mr. VINCENT: The reason I asked this question is this: because in sections where the population increases very rapidly a returning officer is not compelled to make a revision by reason of the increase in population.

The WITNESS: Oh yes, he would be compelled to do so because the polling division would contain too many electors for it to be workable. Once the polling division exceeds 350, or 500 electors, it becomes unmanageable and it would be reflected in the conduct of the election in that polling division. I ask the returning officers to give me an estimate of the number of electors in each polling division.

Mr. VINCENT: And that is done?

The WITNESS: They can only give an estimate, of course, but when I see that a polling division in an urban constituency exceeds 500 electors I ask for the reasons why no change has been made.

Mr. ELLIS: I would like to ask a question about the marking of polling stations, particularly in the city. In many cases the polling station is at the back of a house, or in a garage or some place not clearly visible from the street

and there has been a great deal of confusion and difficulty among electors coming out to vote in polling subdivisions because such places are not adequately "sign posted" and people have to wander around and walk round the block to find out where they are supposed to vote. I am wondering whether some method could not be found of putting appropriate markings on the street to give some indication of where the poll is being held.

I have found several places where polling was taking place in the back of the house, or in a garage, and it was impossible for people on the street to see the location of the polling station. If some method of marking could be arranged, perhaps an arrow or some sign which could be fixed in a place where people could see it, this difficulty could be avoided.

The WITNESS: Returning officers have taken the initiative of having signs printed where situations like that arise. I would point out that with regard to urban polling divisions we do mail a copy of the printed list to each elector and on that list will be found the address, the street and street number, of the polling station. I grant you that this is sent out about four weeks before polling day and that it may be lost during that period of time. But a great deal rests on the initiative of the returning officer. If he has any initiative at all, he will go ahead and have these signs printed if necessary. I know we get accounts for printing with regard to this matter.

Mr. ELLIS: Some effort is being made?

The WITNESS: Oh yes, if the returning officer deems it necessary he can do it.

Mr. MACDOUGALL: I do not think Mr. Ellis' complaint on this is particularly applicable to city ridings or ridings which are both urban and rural. If the day is bad—and it quite often happens that election day is a bad day—I do not think he or any one of us who have given our homes for polling would be very anxious to have three or four hundred people tramping in over the carpets with wet feet, probably bringing in snow from outside. In many instances, every candidate makes it his business to see that everyone in his constituency is informed as to where he or she is going to poll. If you go by a house—265 Granville street, or any other street—then you know that that is your polling division. If you do not vote in the front room, then it is logical to suppose that you are either going to vote in the playroom in the basement or in the garage, and I do not think, candidly, that there is very much room for complaint in those circumstances. If a candidate does not tell an elector where he is going to vote, I think his opponent will tell him. I do not think we need worry very much about having signs printed, or put up on telegraph poles and so on.

By Mr. Fraser:

Q. With regard to a name being on the preliminary list, and then not being on the official list, what machinery is there to have that name put on?—A. We are speaking of the urban polling divisions?

Q. Yes.—A. Where the elector has been left an enumerator's slip, but finds when he arrives at the poll that his name is not recorded on the official list, he goes to the returning officer and informs him that he has been enumerated but is not on a list. Then the returning officer checks the enumerator's records of the polling division to see if the elector was in fact enumerated. He is thus able to find out whether there has been, for example, a printing mistake. He then gives the elector a certificate, form number 20, and the elector can thereupon go back to the poll and vote. He can vote that day, but of course there has been some inconvenience to him.

Q. I brought that up on account of the inconvenience and because some people might have to travel several miles in order to get in touch with the returning officer and they might only have an hour to vote, and they would

possibly find themselves left out.—A. The only one who can definitely establish that an elector was enumerated is the returning officer. The documents are with the returning officer and I would hate to see these documents distributed into the hand of junior election officials for such purposes. There would be no control.

Q. If the man could show that he was on the preliminary list...—A. He might have been struck off during revision by the revising officer.

Q. I did not mean that. If he were on the first list...—A. We only have one printed list now.

Q. One official list?—A. Yes, plus the statement of changes by the revising officer. If a man is left off the list it can only be the enumerators' mistake.

Q. Or because the printer forgot to put him on the list?—A. Or because the printer forgot to put him on the list. An elector could not produce as proof a preliminary printed list, because he would not be on such a list.

Q. I have seen many cases where people have been on the first list and left out afterwards.—A. There is only one list now. The only proof is the enumerator's slip, plus proof that he has not been struck off.

Q. But I have seen cases where people have been on the preliminary list...—A. That was before 1951. In 1951 the system was changed and since then we have had only one printed list.

Mr. CHURCHILL: On the point raised by Mr. Ellis and dismissed by Mr. MacDougall, I think there is more to this matter than the committee has so far considered. With regard to the actual marking of the poll, I cannot agree with Mr. MacDougall, that the voter is as clear as he seems to think. There is plenty of confusion with regard to where the polling station is situated, and consideration should be given to some better way of marking these stations. The chief electoral adviser has stated that each elector is mailed a list of the electors in his particular area, and that the polling place was also indicated on that list. I want to say something in connection with that, if this is the proper section under which to discuss it.

The CHAIRMAN: This is the proper section.

Mr. CHURCHILL: My feeling is that that indication to the elector is extremely poor. I have taken this question up with the returning officer in my area, and had him put the address of the polling station in black faced type, and asked him to underline it and so on. As a result some improvement was made in the 1953 election. But nevertheless, there is still a great deal of confusion, and only one elector in 100 discovers that the polling place is actually named on the list which he receives in the mail. He looks at the list to see whether his name appears on it, and then, in all probability, he crumples it up and throws it away without realizing that the polling place is marked in one of the three small squares at the top of the sheet. This sheet is mailed to the elector not only to enable him to find out whether his name is on the list, but also that he may know where he is going to be asked to vote. I think the place where he should vote ought to be set out in some different fashion from the manner in which it is set out at present. It might be printed in a square by itself, or in much larger type, or it might have an arrow pointing to it, or something of that nature. I have found nothing which is more confusing to a voter than this question of where they should vote.

In urban areas, the electors probably vote in school rooms for municipal and provincial elections, and then in the case of dominion elections, they may have to vote in private houses. They expect to vote in the same place every time a vote comes up, and they are astonished to find that in a dominion election they may have to vote in a private house. That is why I think the officials should consider some better means of marking the address of the polling station on the face of the list.

The WITNESS: Similar representations were made before the 1953 election when we designed the specimen form for the printing of that list. We tried to improve it, we thought we had done so, but when we come to re-designing these forms again, I can put more emphasis on the address of the polling station at the head of the list, and certainly I will consider your suggestion.

Mr. VINCENT: Why not include a card saying: "You have to vote at such and such a place". Then the electors could read where they were asked to vote, and keep the card for reference.

The WITNESS: That would mean extra cost and of course, duplication as the information is given on the printed list. There is another factor involved in this, namely that the polling places which are indicated on the lists are put there about five weeks before polling day, and I do not think the returning officer could definitely state that on polling day the address of the polling station given on the list would in all cases be the correct one. Therefore I would suggest that if the committee wishes a card to be sent, and that will of course mean extra cost, it should be sent after nomination day. The list now sent out is mailed 23 days before polling day, and the address of the polling station is not in all cases a firm one. Many things can happen in four weeks. However, as I said, sending another card to an elector before polling day would involve a great deal of extra clerical assistance and more expense.

Mr. FRASER (*Peterborough*): Regarding this matter of a card. Does not the returning officer send out a card if there is a change in the poll?

The WITNESS: He is obliged to, if time permits. If there is a change on the morning of polling day, he cannot. In such a case we instruct returning officers to place somebody at the original polling station, to tell electors to go to the new poll. But where time permits returning officers are instructed to advise each elector by mail of any change.

Mr. MACDOUGALL: I think our good friend Gordon Churchill is being rather naive on this matter because I am quite sure that when election day comes in his riding he is not missing any bets. I am also quite sure that a few days before an election, depending on the delivery of first class mail, that he has a card sent out to all the electors telling them where they are going to vote, and also for whom they should vote.

Mr. FRASER (*Peterborough*): Which is a very expensive process.

Mr. MACDOUGALL: I cannot really believe Mr. Churchill is too serious about this thing, and certainly the objections raised by the chief electoral officer are most valid. The expenditure involved in sending out cards would be stupendous, and in addition there are many instances where no firm polling places could be decided on. There might be changes within the last four or five days and where such changes occurred, the returning officer of the area would certainly notify the electors accordingly; that is why I say that I do not think the objections are too serious, and that we can quite easily get along with the system as it exists at present.

Mr. CHURCHILL: I think it rather strange that Mr. MacDougall should suggest that I am being naive. I treat this as a serious matter.

Mr. ELLIS: I think it is rather strange to suggest to this committee when we are going over the Elections Act that a certain matter should be left to the political parties concerned. The honorable member has suggested that we need not worry too much about this point because political organizations will take care of it. That is no way to go through the Act section by section, if we are going to consider that the responsibility is going to rest with the political party. You have to look at this from the standpoint of the Elections Act and ignore altogether the existence of political parties, in this respect at least. You

spoke of Mr. Churchill being naive because he did not realize that it was his job. You suggested that it was his job to send out cards to electors. I suggest that it is not the job of political parties. It is our responsibility to see that we get as big a turn-out of voters as possible.

MR. HARRISON: Mr. Chairman, I think that possibly it is little difficult for some members from city ridings to realize that what is needed is a little more flexibility, rather than less flexibility, in rural areas and particularly those which are in the north, with regard to some of the regulations. There is one which says that the polling place must at least have a door on it and a partition. In my riding those regulations cannot be met on some occasions, because when a voter comes from a fishing community, the polling place will be designated as John Doe's house at or near that location. In the northern lakes the fish move around a good deal, and on the day of polling it might be that fishing is being carried on twenty miles away and has been for the previous four or five days, with the result that the whole community is down the lake. Maybe part of the fishing party goes there by canoe and there is no building in the whole community. They may vote in a tent; on some occasions they have voted on the beach and there was not even a tent. There must be some flexibility in these matters.

Another item which I might mention, and which may not have occurred to members from city ridings, is the fact that sometimes it is very difficult to get people who can read and write to man a poll in those far northern areas. Some consideration should be given toward the modification of the regulations in the Act providing that missionaries, priests and ministers cannot be enumerators or D.R.O.s at a poll. I know that in some polls in my riding they are the only people who could possibly do the work. My returning officer has run into some difficulty in doing anything else but appoint those particular people. They are the only people who can read or write. There are only Indians or people who have had no education in the area. So there is need for more flexibility, instead of making a hard and fast rule just to cover urban ridings.

MR. CHURCHILL: I would not wish to have left on the record Mr. MacDougall's statement that I am not taking this seriously. I am. His suggestion that political parties undertake to notify electors where they vote is just an indication that something is lacking in the administration of our voting regulations. Why do political parties feel it necessary to send out a last minute voting card? It is partly for publicity, but it is extraordinarily expensive, and they should not be put to that expense. The only reason why they do it is that electors do not know where they have to vote, because it is not clearly marked on the list that is sent to the electors. That is the point I am making. I hope that the Chief Electoral Officer will have a really good look at that and see if he cannot improve the method of notification.

THE WITNESS: Before 1940 we used to send out a notification card about a week before the election. In 1940 this present system was adopted, and the location of the polling station was put on the list. The members of the committee at that time felt that the notification card was no longer necessary, in view of the list. If the notification card is sent, in my humble opinion, I think it should be sent in the week previous to polling day, to have any effect. I would say offhand that a notification card would cost about two cents for the addressing and the purchase of the card. There would be no cost for mailing, if the committee passed the necessary amendment. If the sending of the card was restricted to urban areas, with four and a half million electors, it would cost about \$90,000. If it was applied to rural areas, I would say that in many cases that notification card would have to be sent two weeks before polling day or it would be useless. I do not think that it would be practical. It would

be expensive for 9 million electors at two cents a card; it would cost \$180,000. There is one other objection, which I do not put to the committee too strongly. The week before polling day is the returning officer's worst headache. He has to get his deputy return officers appointed, he has to get his forms out to them, he has to call in the D.R.O.s and give them instructions. If he is also required to have this clerical work done of addressing thirty-thousand cards in the same period of time, it is putting an addition strain on the returning officer. It can be done, but it would be another administrative task placed on him in that last week before the election. That may not be a serious objection, but those are the only two factors I can see which might militate against the card being sent within a week before polling date. Members may hold the view that this card might be sent in the week subsequent to nomination day, but if the committee so wishes cards will be sent.

Mr. CHURCHILL: I was not suggesting a card in addition to the lists you now mail. The list you mail is satisfactory, providing that the polling place is marked on it more clearly than at the present time. Another idea I had in that connection is that the envelope might have printed on the face of it something to the effect that it is important to save this, or "You vote at the place indicated" or something of that nature, so that a person who receives that knows that he has to save it. The card system has been used, I think, very frequently by cities in municipal elections. People are familiar with that, and they take the card with them to the polling place. The Dominion election does not seem to be as efficiently operated. I am not advocating a card at this moment, but some modification.

Mr. FRASER (*Peterborough*): As we are dealing with the lists, I should like to ask the Chief Electoral Officer one question. When the enumerators are going around to get their lists, they find difficulty when they come to a boarding house. They go in and ask, "Who lives here?" The person will say, "Mr. and Mrs. Smith". The reason in many cases, as given to me, is that they do not wish to give the names of their boarders because they feel that if they do their taxes might be raised, or something of that sort.

Mr. MACDOUGALL: They are possibly operating the boarding house without a license.

The WITNESS: The committee in 1951 studied that same problem which you have brought up, and they passed subsection (18) on page 24 of the Act. It was hoped that the provisions of subsection 18 would take care of problems such as that you have raised.

By Mr. Fraser (Peterborough):

Q. They are not doing anything to obstruct the enumerator in the performance of their duties. They are simply not giving the information.—A. It may be held that they are obstructing the enumerator in his work by not giving the information.

Q. The person in the house does not know that that is in the Act.—A. But the enumerator does.

Q. They cannot go to the house and say, "Mrs. Smith, you know you are lying".—A. I do not know how you can get around that. If the information is not given by the person at the door, I do not know any way to compel them to give the information. It is a voluntary system. If an elector does not want to be on the list, or for the reasons you stated does not want to give the information, I do not know any practical way to extract the information from that person.

Mr. FRASER (*Peterborough*): I just wondered if there was any way in which you could get that information. Many people have been left off the list on that account.

The CHAIRMAN: Shall we go on to section 33?

By Mr. Leboe:

Q. Do they not leave cards at these places?—A. They leave an enumeration slip saying that John Doe has been enumerated and the elector is instructed on the slip to keep it until polling day. That is the means of notifying the electors that the enumerators have agreed to put them on the list.

Q. In some cases they leave a list if a man is not at home.—A. The enumeration is not done on a basis of questioning each individual elector. If it were it would take us six months to prepare a list. They get the information from the person who answers the door. If the person answering the door gives eight or nine names of people, the enumerators will ascertain if such persons are qualified as electors. If eight people are qualified to vote they will leave eight individual slips. If there is nobody in the apartment, they might go to the janitor and ask, "who lives in apartment No. 2?". "Mr. and Mrs. Smith". He asks if they are qualified to vote. From that information they are enumerated and slips are left in their letter boxes. It is very flexible, as far as collecting the information is concerned.

Section 32. No change.

The CHAIRMAN: Section 33.

Mr. HARRISON: With regard to section 33 (3), the rural elector must vote at his own poll. This is not always carried out in rural areas. Sometimes, usually by consent of the agents of the various parties, this is departed from. No matter how dry it is in Saskatchewan, it always rains very hard on election day. I know that in areas in my riding it may be possible for people to get into the nearest town because there is a main road into it, though it may be twenty miles away whilst their designated polling place may be three miles away on a road over which it is impossible to travel on that day. I know that there were places where people came into a main town from fifteen miles away and were able to vote. At other places they were not allowed to do that. I know that in the case of Meadow Lake, voters could get into Meadow Lake but could not get to their local poll even with a tractor. There they were denied the right to vote, whereas at other places they were allowed to vote. In regard to the matter of flexibility, I think that the D.R.O. should be given some discretion in a case of that kind. He, or at least the returning officer, would know the conditions there in the riding and how it should be conducted. I do not know what you think about that, Mr. Castonguay.

The WITNESS: Members of the committee might think that I am overly cautious, but I would not like to see electors allowed to vote in some other division than where they are normally entitled to vote. Once you make it flexible, you lose control. There might be a quite valid reason, but if there is general legislation leaving it to the deputy officer's discretion to allow electors from another poll to vote in his poll because a bridge is washed out or a road is blocked. I think you would lose all control. At present the electors can vote only in a polling station at the locality where they normally reside and where their names appear on the list. The agents are there to see that only those people vote who are entitled to. If any flexibility is allowed, so as to permit people to come from another polling division to vote, for any reason, some of these reasons become valid for other motives. I would say that, by allowing this, you would lose control of the voting.

Mr. MACDONALD: Would it not be an invitation to impersonation?

The WITNESS: Yes to impersonation, and also you could take truckloads of people there. This condition does not happen weeks ahead of time. The problem you raised is one that happens on the day before or on the day of polling.

Mr. HARRISON: That is right.

The WITNESS: If you give someone the power to allow a group of electors to move from one division to another to vote, it would have to be brought to the attention of candidates and I fail to see how they could control it. I would suggest that that would be a very dangerous practice. I sympathize with the problem but on the over-all picture it might be found that a truckload of electors go from poll to poll. I am not saying that that would be done, but once you leave the door open to these practices, there may be some abuse.

By Mr. Churchill:

Q. I have one further question. Is it the returning officer who selects these polling stations?—A. Yes, it is his responsibility.

Q. How is he persuaded to change? Some places are easier to approach by way of the gravelled road than by the ungravelled road. The polling station might be very close via the ungravelled road and further away via the gravelled road. How would you get the returning officers to change the polling station? Whose responsibility is it to suggest that to him?—A. The Act places on the returning officer exclusively the responsibility for selection of the polling station. I do not know where he gets his recommendations, but he is guided by this principle of trying to establish a polling station in premises which are convenient to the electors. Again, as I pointed out at a previous meeting, a great deal depends on the question of availability. There may be some valid reason why some places are not available. When a returning officer decides where a station is to be located, I presume he would consult the people in the division who are affected.

Q. If people want the polling stations changed, do they submit a letter to the returning officer?—A. I would say that that would be the normal procedure for those people to follow.

The CHAIRMAN: Section 33?

No change.

The CHAIRMAN: At this point, Mr. Robinson, do you have a notice of motion which you wish to present?

Mr. ROBINSON (Bruce): Yes, Mr. Chairman. I have typed copies of the notice here:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll. Therefore this Committee endorses the principle of voting by proxy for mariners and other persons who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

I may say that this is not anything new—it has been taken up before the committee in 1948—excepting that the resolution does include all people and is not restricted to mariners.

The CHAIRMAN: That will be dealt with under section 45 when we come to it. Does the committee wish to adjourn at the call of the chair?

Agreed.

(The committee adjourned.)

